



# Creation and reform of the Public Broadcasting System in B-H REFORM ON HOLD

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## ASYMMETRICAL SOLUTIONS

Bosnia-Herzegovina saw the end of the war with three ethnically divided broadcasting systems. It was only three years after the war that the international community in B-H focused on transformation of state-run RTV stations into public services. The entire process of reform of PSB has been characterized by a lack of political will of all parties to follow the reform road traced by the international community. In addition, the entire reform course has been reflected in building a new system, but primarily using RTVB-H's earlier resources, with the application of asymmetrical solutions that have brought RTV Federation B-H into an unenviable position, leaving it practically without property, as well as without considerable revenue from the license tax and marketing, which have been redirected to BHRT and RTRS through the new legislative distribution.

## LEGISLATIVE FRAMEWORK

The entire legislative framework, which is necessary for establishing the System of Public Broadcasting, envisions the passing of four laws: *the Law on the Public Service Broadcasting System in B-H*, *the Law on the Public Service Broadcasting of B-H* in the Assembly of Bosnia-Herzegovina, and the *Law on the Public Service Broadcasting of FB-H* and the *Law on the Public Service Broadcasting of RS* in the entity assemblies.

At state level the laws were passed in 2005 without support from Croat delegates and they initiated a procedure of protection of vital national interest, which is why their request arrived before the B-H Constitutional Court. However, the Constitutional Court, without the votes of Croat judges, threw out the request concluding that the proposed law is not destructive for vital national interests of the Croat people in B-H. (Constitutional Court of BiH, U-10/05) The Republika Srpska National Assembly passed the law on RTRS in May 2006, but the law on RTVFB-H has not been passed yet. As in the case of state laws, the Croat caucus filed a motion with the FB-H Constitutional Court for protection of national interest. In this case, by decision of two Croat judges the law was declared detrimental to Croat national interest because some of its solu-

tions do not provide guarantees that they will not be discriminated against in the equal exercise of rights specified by the Constitution of the FB-H. (U-11/06).

After that, OHR experts rewrote the Draft Law on RTVFB-H, envisioning greater responsibility of both the Parliament and the public broadcaster's supervisory board with regard to respecting the rights of any of the constituent peoples and others, and the FB-H Government passed the law, but again without the votes of its Croat members. The same thing was repeated in the FB-H Parliament and therefore the Draft Law was again sent to the Constitutional Court of FB-H.

## TACTICAL BENUMBING OF THE SYSTEM

The stalling tactics used by local political forces in passing the necessary legislation for the operation of the Public Broadcasting System of Bosnia-Herzegovina that is sustainable in the long run, coupled with the inconsistent actions of the international community, which has frequently abandoned the principles it referred to and proposed asymmetrical solutions based on political concessions rather than the real needs of broadcasters, has placed a very heavy burden on the Public Broadcasting System of B-H. In addition, the unpreparedness of the broadcasters themselves to face the problems that exist in these outlets (number of employees, qualification, ethnic structure, irrational expenditure, etc.), as well as the challenges placed before them by the commercial environment and pending digitalization, have additionally compounded the already difficult situation. That is why today we have a massive, non-functional and financially unsustainable Public Broadcasting System that is yet being created, whose programs no one finds too interesting.

The level of collection of the license tax in 2006 was 63 percent and is still significantly below the planned projection of 85 percent which would ensure the financial sustainability of public broadcasters (BHRT Report, 2007:1). Certainly the call to boycott paying the tax, which is repeatedly made by certain political forces, has contributed most of all to citizens' refusal to pay the license tax.

## Summary

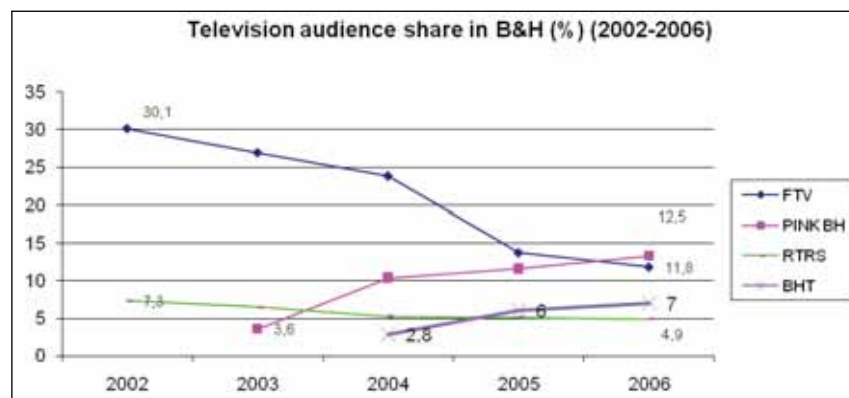
One of the key short-term priorities of European partnership for Bosnia and Herzegovina is to adopt the required public broadcasting legislation at the level of the Federation of Bosnia and Herzegovina and implement public broadcasting reform. (See: Commission of the European Communities, 2007:6). Establishment of an efficient and self-sustainable public broadcasting system is a logical step toward the adoption of values of European societies. The concept of public radio and television broadcasting is generally considered one of Western Europe's most important contributions to world civilization and is based on the presumption that the radio and television sectors have characteristics that make them crucial social, cultural and political platforms in modern societies through which a number of socially-positive goals are realized (See: Ward, 2006:54). It is believed that these goals could not be achieved in an exclusively commercial environment and that social intervention is required to ensure the production of best quality program contents in all format fields, available to all citizens on all existing platforms. At the same time, in their operation the public broadcasting services need to be independent both of political and market pressures.

However, despite the international community's efforts dating back since 1998, the Public Broadcasting System in B-H has not been fully established yet and heated discussions are still present on the political stage throwing into question the entire organization of the Public Broadcasting System. Consequently, public television programs are not yet accepted by a big part of the population of Bosnia-Herzegovina and this is

especially pronounced in the case of the Croat people. In this overview comments are provided on the key findings and recommendations from the study *"Public Broadcasting System in B-H - Between Ethnic Exclusion and Long-Term Stability,"* implemented in the framework of the Open Society Fund B-H Policy Development Fellowship Program. One of the purposes of the study was to examine the issue of reform and creation of a sustainable public broadcasting system of Bosnia-Herzegovina from the aspect of exercise of ethnic rights and equality of each of the B-H constituent peoples and citizens, but also to point to other elements without which a public television service for all citizens of a country cannot be imagined. Research findings show that the stalling tactics used by local political forces in passing the necessary legislation and the inconsistent actions of the international community, coupled with the unpreparedness of the broadcasters themselves to face the problems that exist in these outlets and the challenges placed before them by the commercial environment and pending digitalization, have resulted in a massive, non-functional and financially unsustainable Public Broadcasting System undergoing the process of formation/disappearance along with the difficulties of adequate representation of constituent peoples, whose programs no one finds too interesting. Instead of proposing a set of radical measures on how to organize the PSB, this paper analyzes policy options that are already on the table and gives recommendations for improvement that will be feasible without much political willingness and without requiring a lot of investment.

The financial situation is even more dramatic because coordination among public broadcasters is reduced to a minimum and they openly act as each other's competition, increasing their operating costs although they are funded from the same source. Thus, for example, there is a practice that a particular event is covered by three news teams instead of one. Federation Radio-Television and BHRT are deeply in debt which they cannot settle without additional financial revenues over what they now have; the situation with RTRS is not much better. The total number of public broadcasters' employees (1,904) does not favor the operation of an efficient public broadcasting system. Low purchasing power of B-H citizens, as well as an underdeveloped and segmented television market, make it imperative to establish a system that will not be overburdened with the staff size, which seems to be the case now. For example, Croatian Radio-Television (HRT) had almost five times higher revenues in 2005, while the number of employees was one and a half times higher than the number of employees of the public broadcasting system in B-H. (Perusko & Popovic, 2008) Public television's overall television share has continuously declined in favor of commercial televisions, making the very role of these televisions increasingly questionable, for the concept of public television implies that a significant percentage of citizens watch the programs that are broadcast so that they can serve their cultural, social and political needs. (See Nissen, 2006:65)

Representatives of Bosniak parties have not come out with an elaborate idea of how to rearrange the public broadcasting system; instead, in amendment procedure in the FB-H Parliament House of Representatives, they voted for amendments under which marketing revenue will not be shared according to the principle stipulated by the framework Law on the System, but will primarily be used for funding RTVFB-H activity. Considering that for this solution it is necessary to change the Law on the System at state level, it is hard to expect that delegates from the RS will support it, because after all this is not a harmonized stand of parties from FB-H. As for contributing to efficiency of the system, this solution would maintain the present balance of power among the broadcasters, which means that RTVFB-H would most likely remain the strongest link in the system, but BHRT would not be strengthened which is not at least a declared goal of the Bosniak political parties. In addition, it is certain that RTVFB-H would become even more commercialized because this would be the only way to independently boost its revenue, although even now it is the most commercial part of the System. This would question the fulfilment of its public service obligations because there would be less and less room for public interest contents. On the other hand, Serb political parties insist on full implementation of the latest legislative framework. However, when they speak about this, representatives from the RS first of all refer to application of distribution of marketing revenue that would favor



Graph 1: Television audience share in B-H (2002-2006) Graph made according to data provided by MIB (2007)

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With regard to finding a solution for emerging from the vicious circle of reform and transformation of public broadcasters, political parties as a rule insist only on those segments of reform that favor their political goals, while rejecting compromises and solutions that have a chance to be accepted by the majority of B-H citizens.

RTRS, regardless of its consequences for RTVFB-H. In contrast, the silence of political representatives from the RS regarding unequal treatment of constituent peoples in RTRS programming, as well as its employee structure, and also politically motivated attacks on BHRT as the nation-wide broadcaster, directly jeopardize the establishment of a system directed at all citizens. (See <http://www.bljesak.info/content/view/6718/155/>)



### Language norms used by programme hosts in daily news programmes of PSB's BiH

		Programme host speaks in:					
		Bosnian language	Croatian language	Serbian language	Other	Unknown	Total
<b>Broadcaster</b>	bhrt	42	19	17	1	5	<b>84</b>
	rtvfb-h	39	43	2	0	1	<b>85</b>
	rtrs	0	0	86	0	0	<b>86</b>
<b>Total</b>		81	62	105	1	6	<b>255</b>

The strongest political party with a Croat determination, HDZ B-H, demands more radical solution—the creation of a special channel broadcasting in the Croatian language. The main argument for the request is that “Croats are just asking for what the other two peoples have” and it is underlined that RTRS is a Serb television, RTVF-B a Bosniak one and that BHRT is some kind of a Bosniak-Serb amalgam in which the Croat component is not recognizable. As a concrete result of establishing a channel in the Croatian language, subscription fee will be paid more, new channels with an ethnic prefix will be watched more, and political tensions in the country will calm down, claimed proponents of this solution.

Although there are problems in adequate representation of the Croat people both in the employee structure and in program contents, determining the existing public broadcasters as non-Croat is only partially true. Namely, in the case of RTRS, which in its employee structure has only three percent employed Croats, none of whom hold an important editorial or managerial position, and which in broadcasting its daily news program uses exclusively the Serbian language and Cyrillic alphabet. However, determining RTVFB-H as a Bosniak broadcaster simply does not correspond to the factual truth. Namely, 13 percent of RTVFB-H's 409 employees are Croats. In addition, they hold the most responsible editorial and managerial positions. Monitoring of linguistic norms used in the television's daily news programs has established that Croatian language is used in 51 percent of cases, which is individually the highest value. Of course, this does not mean that the situation regarding Croat representation is satisfactory, but efforts of RTVFB-H's management to improve Croat representation cannot be annulled simply through persistent repetition of untruths. Also, HDZ representatives' allegations about BHRT are arbitrary and do not reflect the real situation. However, there is no willingness by other sides to accept this solution. Bosniak political parties view the demand for a Croatian channel as a tacit request for an exclusive Croat entity in B-H and international community representatives are absolutely against the HDZ proposal because it would mean,

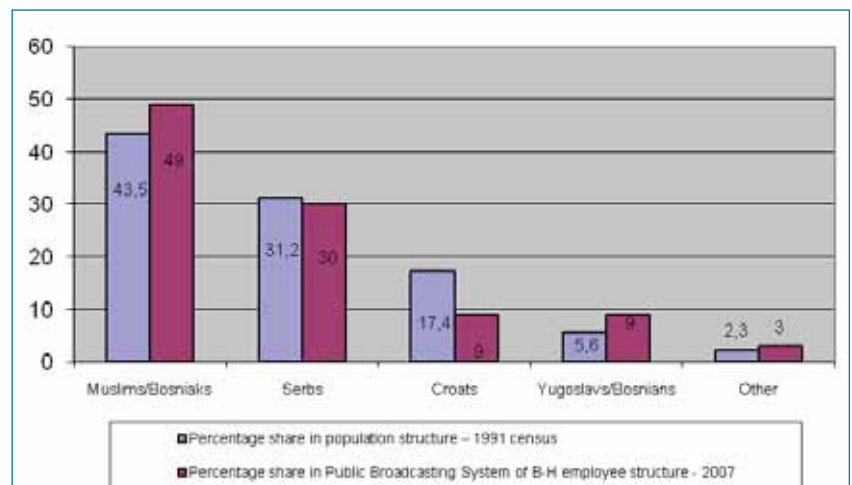
among other things, the total collapse of the concept they have been building for a full 10 years. Regarding efficiency, it is certain that with the creation of a Croat channel the collection of subscription fee among the Croat population would rise. However, even if the level of collection by HT Telecom becomes 100 percent, the total annual revenue would rise by six percent. It is clear that this money would not be enough for starting new TV channel.

As far as equity is concern, it is certain that at the level of the individual public televisions we would have mono-ethnic televisions with little or no rights of those who do not declare themselves as the majority ethnic group. This solution would probably be more likely to succeed in completely territorially divided communities. But is this the case with the Federation of B-H? Would this ethnic exclusion lead to a revolt of the excluded minority groups and refusal to pay the license tax, which we would again bring us into the same or similar situation that we have now?

The battle for “one's own” media remains the issue above all issues, as Dušan Babić (2007) observes, despite the fact that such battles for already ten years have produced nothing but stagnation of the public broadcasting system in B-H. Avoiding the issue of ethnic rights in the B-H context is certainly inadmissible, but at the same time insisting exclusively on this aspect of the issue brings us into a situation of endless debates on whose is what

**Table 1:**  
Results of monitoring of language norms used by daily news programmes hosts of all three public broadcasters in BiH. Monitoring period: September 10, 2007 - September 16, 2007, and constructed week from September 17, 2007 till November 4, 2007.

**Graph 2:**  
Comparative illustration of share in population structure 1991, and share in PBS BiH employee structure 2007 (%).





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A "Policy Development Fellowship Program" has been launched by the Open Society Fund BiH in early 2004 with the aim to improve BiH policy research and dialogue and to contribute to the development of a sound policy-making culture based on informative and empirically grounded policy options.

The program provides an opportunity for selected fellows to collaborate with the Open Society Fund in conducting policy research and writing a policy study with the support of mentors and trainers during the whole process. Thirty eight fellowships have been granted in three cycles since the starting of the Program.

All policy studies are available at [www.soros.org.ba](http://www.soros.org.ba)

and to what extent, without a real look at how such a system can operate at all, and without real potentials and readiness of those who insist on these solutions to provide funding for such a massive and non-functional system. In this regard, it is necessary to replace the pattern of exclusion with a policy of small steps leading to building a public broadcasting system that suits all citizens and peoples of this country and consequently restoring the trust of citizens in this system.

### POLICY RECOMMENDATIONS

It is entirely certain that radical changes to the current concept of the Public Broadcasting System in B-H are not possible with the current constellation of political forces. Legislative reform should be adopted as soon possible in line with the proposal initiated by OHR because it will allow the Corporation to be set up and the system to function. Subsequently, once the system starts living, legislative amendments should be proposed to improve it.

#### Recommendations for Law Makers / legislative authorities at state and entity levels:

- Pass the Law on RTVFB-H in the form the FB-H Government sent to Parliament.
- Initiate a debate on fairer distribution of resources from subscription fee and marketing among public broadcasters.
- Supplement laws at the level of B-H and RS with amendments which the FB-H Government, as recommended by OHR, has built into the new draft law and which envision greater responsibility of public televisions' directors and supervisory boards with regard to achieving equality.

#### Recommendations for managements of public broadcasters:

- Harmonize public broadcasters' operation by establishing a more efficient news program at the level of the system, which should result in economies in its production.
- Produce a feasibility study on justification for the present number of employees and introduce a restrictive hiring policy for new staff.
- Ensure legally prescribed equality in use of language and alphabet, as well as in programs related to tradition of constituent peoples and others.
- In a short-term period, provide equality of language in foreign subtitled programs and in news programs, as well as balanced ethnic representation in editorial positions.
- Create plans to provide legally prescribed ethnic representation at the level of the entire staff in a medium-term period of two to five years.

#### Recommendations for the Communications Regulatory Agency (CRA):

- After public service managements rationalize their expenditures and after authorities ensure a higher level of collection of RTV tax, approve the requested increase in tax.
- Actively start monitoring the achievement of equal rights of constituent peoples and others in public television programming.

#### Recommendations for the Office of the High Representative (OHR):

- In case of lack of political willingness to achieve a higher level of collection of RTV tax, impose solutions envisioning budget compensation of resources lacking for normal operation of the PBS.

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